

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
PUBLIC UTILITIES COMMISSION )  
 )  
Instituting a Proceeding to )  
Investigate the Implementation )  
Of Feed-in Tariffs. )  
\_\_\_\_\_ )

DOCKET NO. 2008-0273

ORDER GRANTING HAWAII BIOENERGY, LLC'S MOTION FOR APPROVAL  
TO AMEND ITS STATUS AS AN INTERVENOR/PARTY TO A PARTICIPANT

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DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

PUBLIC UTILITIES  
COMMISSION

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FILED

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ORDER GRANTING HAWAII BIOENERGY, LLC'S MOTION FOR APPROVAL  
TO AMEND ITS STATUS AS AN INTERVENOR/PARTY TO A PARTICIPANT

By this Order, the commission grants HAWAII BIOENERGY, LLC's ("HBE") Motion for Approval to Amend its Status as an Intervenor/Party to a Participant, filed on March 30, 2009 ("Motion").

I.

Motion

On March 30, 2009, HBE filed a Motion for commission approval to amend its current status from intervenor to participant. According to HBE:

. . . HBE is a limited liability company, which has three (3) land partners that, in total, own approximately 430,000 acres of land throughout the State of Hawaii, and such properties are situated within the service territories of HECO, HELCO and MECO. HBE's three (3) land partners are joined by three (3) venture capital firms in forming HBE (collectively the "HBE Partners"). HBE's mission is to reduce Hawaii's energy costs, greenhouse gas emissions, and dependence on imported fossil fuels through the research and development of local renewable bioenergy projects. HBE is moving forward with activities and plans to develop such renewable projects in Hawaii. Since HBE was

formed on July 11, 2006, it has invested significant resources and finances in developing the information, studies, and other analysis on which its renewable energy projects will be based. HBE expects that the biomass-based renewable energy projects will be of significant size.

Upon review of the Joint Proposal on Feed-In Tariffs ("FIT") submitted by the HECO Companies and the Division of Consumer Advocacy ("Consumer Advocate") on December 23, 2008, the various opening statements of positions filed by the parties (including the HECO Companies and the Consumer Advocate), and other documents filed in this proceeding to date, said proposed FIT appears to limit the size of the renewable energy systems to no greater than 500 kilowatts for the island of Oahu and 250 kW for the islands of Maui and Hawaii, and restrict the technology to PV systems, concentrated solar power, in-line hydropower, and wind renewable energy systems. Assuming that these limitations and/or restrictions are ultimately approved and adopted by the Commission to be incorporated as part of the HECO Companies' initial FIT, HBE's proposed biomass-based renewable energy projects, described above, will be significantly larger than the systems being considered in this proceeding and considered a "non-eligible" technology. Accordingly, HBE's proposed systems will likely be, in effect, disqualified at this juncture and at least until such initial FIT is updated by the HECO Companies (e.g., at least 2 years after initial implementation of the initial FIT as represented by the HECO Companies and Consumer Advocate in their December 23, 2008 proposal and February 25, 2009 opening statement of position).<sup>1</sup>

HBE requests, however, that it be allowed to participate by "(1) monitoring the proceeding by receiving all filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financially or otherwise) are adequately protected, and (2) standing on its Opening Statement of Position, filed on February 25, 2009,

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<sup>1</sup>Motion at 2-3.

as its final statement of position in accordance with the Stipulated Regulatory Schedule approved by the Commission in this proceeding."<sup>2</sup>

Based on HBE's representations and the lack of any opposition to the Motion, the commission grants the Motion. HBE's status in this proceeding is amended from intervenor to participant. As such, HBE's participation shall be limited to receiving all filings by the commission and the other parties to the docket. In addition, HBE may stand on its Opening Statement of Position, filed on February 25, 2009, as its final statement of position.

II.

Order

THE COMMISSION ORDERS:

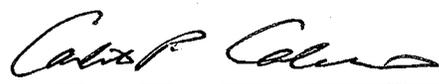
HBE's Motion for Approval to Amend its Status as an Intervenor/Party to a Participant, filed on February 24, 2009, is granted.

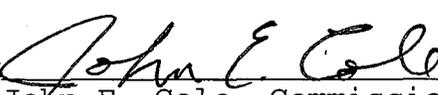
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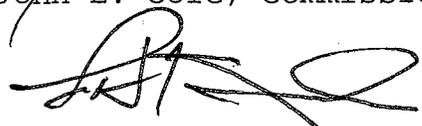
<sup>2</sup>Motion at 5.

DONE at Honolulu, Hawaii APR - 9 2009

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
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2008-0273.laa

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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